

DOCKET NO. 3:99-CR-165-8-FDW

Defendant.

3. The full record before the Court reflects a defendant with a criminal history of drug

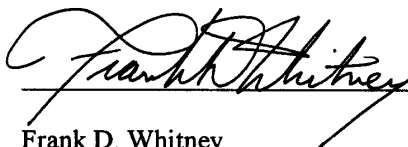
trafficking who maintained a lengthy commitment to an extraordinarily violent drug conspiracy, used firearms in furtherance of his crimes, personally participated in at least one armed home invasion resulting in serious injury to the victims, and also has received several disciplinary citations (including the possession of intoxicants) while in prison.


4. Upon consideration of the sentencing factors set forth in 18 U.S.C. § 3553(a), the possible threat to public safety posed by the early release of a person with this defendant's criminal predispositions, and this defendant's post-sentencing conduct, the court finds:

- a. That the defendant should receive some benefit from the retroactive application of Amendment 706, but that a reduction to 128 months is inappropriate; and
- b. That a sentence of **151 months** is adequate, but no greater than necessary, to accomplish the objectives of 18 U.S.C. § 3553(a), while a further reduction would frustrate those objectives;¹ and
- c. That this sentence is within the amended guideline range applicable to Defendant by operation of Amendment 706..

An appropriate Order shall issue separately.

Signed: October 8, 2008


Frank D. Whitney
United States District Judge



¹The Court notes that it is not required under Fourth Circuit case law to undertake an exhaustive analysis of all of the § 3553(a) factors in this Order. See United States v. Legree, 205 F.3d 724, 728-29 (4th Cir. 2000).